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SENATE

REPORT
102-127

BOOTS AND SADDLES HISTORIC NEW MEXICO FORTS STUDY ACT OF 1991

JULY 30 (legislative day, JULY 8), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 628]

The Committee on Energy and Natural Resources to which was referred the bill (S. 628), to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 9, strike "restore," and insert in lieu thereof "preserve,".

2. On page 3, line 12, strike "guided tours" and insert in lieu thereof, "tour routes".

PURPOSE OF THE MEASURE

The purpose of S. 628, as ordered reported, is to direct the Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, to conduct a study of preservation and interpretation alternatives for seven historic forts in New Mexico.

BACKGROUND AND NEED

The territory of New Mexico was crossed by a large number of trails and routes in the 1800's. Numerous military forts were located along these trails to protect settlers and travelers. Because of the arid climate and a sparse population in the area, the physical evidence of many of these forts still remains. However, weathering,

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grazing, unsupervised visitation and the lack of maintenance are causing the forts to deteriorate.

S. 628 would direct the Bureau of Land Management and the National Park Service to conduct a study of seven historic forts in New Mexico. The forts to be studied include: Fort Stanton, a military outpost during the Indian Wars which changed hands during the Civil War; Fort Union, the principal supply artery for Federal forces in New Mexico during the Civil War; Fort Sumner, which exemplified the U.S. Government's policy in the 1800's of repressing Indian resistance to American expansion through forced settlement on reservations; Fort Cummings, which served as a base of operations for the Apache wars; Fort Seldon, the boyhood home of General Douglas MacArthur, and which served as protection for settlers against Indian raids; Fort Bayard, which played a key role in the campaigns against Geronimo; and Fort Craig, the largest Civil War fort in the West.

LEGISLATIVE HISTORY

S. 628 was introduced by Senator Bingaman on March 12, 1991. Senator Domenici was added as a cosponsor on June 20, 1991. Last Congress, the Committee reported similar legislation which passed the Senate, although no further action was taken in the House of Representatives. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 628 on June 20, 1991.

At the business meeting on July 17, 1991, the Committee on Energy and Natural Resources ordered S. 628, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on July 17, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 628, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler [1]	
Mr. Shelby [1]	
Mr. Wellstone [1]	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici [1]	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	

Mr. Craig
Mr. Seymour
Mr. Garn

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 628, the Committee adopted two clarifying and conforming amendments. The amendments are self-explanatory.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Boots and Saddles Historic New Mexico Forts Study Act of 1991."

Section 2 contains the Congressional findings.

Section 3(a) directs the Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, to conduct a study of the seven historic forts in New Mexico identified in the subsection.

Subsection (b) provides that the Secretary is to transmit the study to the Committee on Energy and Natural Resources in the United States Senate and the Committee on Interior and Insular Affairs in the United States House of Representatives within one year after the date funds are made available for the study.

Subsection (c) states that the study shall develop alternative means of preserving and interpreting the forts referred to in subsection (a), including the study of related historic properties, the feasibility of establishing tour routes to link the sites, and such other information as the Secretary deems necessary.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out the provisions of this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 628, the Boots and Saddles Historic New Mexico Forts Study Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources on July 17, 1991. Assuming appropriation of the necessary sums, CBO estimates that the Department of the Interior (DOI) would spend about $100,000 in 1992 to carry out this legislation. Enactment of S. 628 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

S. 628 would authorize the appropriation of funds for DOI to conduct a study of seven historic forts in the State of New Mexico. The DOI would be required to complete the study within one year after

receiving the necessary funds. Based on information from the National Park Service and the Bureau of Land Management, we estimate that $100,000 would be spent to complete the authorized study in 1992, assuming funds are appropriated by the beginning of the fiscal year.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 628. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 628, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 6, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive views on S. 628. These reports had not been received at the time the report on S. 628 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

JUN 20 1991

STATEMENT OF CY JAMISON, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 628, A BILL "TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF CERTAIN HISTORIC MILITARY FORTS IN THE STATE OF NEW MEXICO."

I appreciate the opportunity today to testify in support of the proposed "Boots and Saddles Historic New Mexico Forts Study Act of 1991." We urge its enactment, but recommend that the language on guided tours in subsection 3(c)(2) be modified.

We believe enactment of S. 628 and the study the bill would require will foster improved coordination among private parties, State agencies and Federal agencies in the interpretation and protection of these unique historic ruins in the State of New Mexico. The study would be conducted by the Secretary of the Interior, through the Bureau of Land Management (BLM) and National Park Service (NPS), and would include alternatives to preserve and interpret the forts listed. A summary of the bill is attached.

The territory of New Mexico was crossed by a large number of trails in the 1800's. Located along the travel routes were numerous military forts, designed to protect travelers and settlers. Of the approximately 30 major military forts established by the mid-1800's, some, like Ft. Cummings and Ft. Union, guarded key transportation routes such as the Butterfield Stage Route or the Santa Fe Trail. Others, like Ft. Seldon and Ft. Bayard, served as bases of operation in military campaigns against Indian Tribes. Not everyone realizes that Ft. Craig was the scene of the largest Civil War battle in the West. The interconnected system of military forts in the Southwest played a major role in the settlement and development of the American frontier.

There is abundant evidence to suggest that the public is deeply interested in historic cultural resources. In 1987, for example, over 7,000 spectators came from 15 outlying States to participate in and observe the reenactment of the Civil War Battle of Glorieta. Approximately 40,000 tourists stop in to visit Ft. Sumner, Ft. Selden, and Ft. Union each year. In 1989, the Civil War Reenactors of New Mexico restaged the historic battle of Val Verde outside of Ft. Craig. Recreation of authentic military camps and living history demonstrations of artillery and cavalry drills, cooking, a post PX, and a hospital camp drew large crowds. Full scale reenactments of major military campaigns can draw tens of thousands of observers and participants.

S. 628 would provide for a comprehensive and systematic study of the best means to preserve and interpret a specific group of these important military forts in New Mexico. The seven forts included in the legislation, Forts Stanton, Union, Sumner, Craig, Cummings, Selden, and Bayard, are currently managed by the BLM, the State of New Mexico, the Bureau of Reclamation, and the NPS. They form a representative sample of the range of military forts which operated in New Mexico in the 1800's.

We would recommend that the study contain management recommendations for those forts designated in the bill. A process for interagency coordination and administration should be proposed as part of the study. Guidelines for resource management, including emergency protection measures, site patrolling, preservation, and research could be offered. Common approaches to vistor use and interpretation and legislative compliance should be agreed upon. Finally, procedures to adjust boundaries of designated sites would be established.

Under the bill, the study would also include the feasibility of establishing guided tours which may encompass common themes and link appropriate sites. We strongly recommend that these provisions be modified to refer to establishment of "tour routes" rather than "guided tours". We believe this language is more appropriate and more correctly reflects the nature of the study to be done.

As an example, the Masau Trail, authorized by the Act of December 31, 1987, is designed for automobile touring. Other trail systems, such as the Pacific Crest Trail or the Continental Divide Trail, are designed for hiking. S. 628 could lead to the protection and development of horseback riding trails on the same historic routes which originally connected the forts in the 1800's. Efforts by such groups as the Lincoln County Heritage Trust to develop scenic bridle trails in the Ft. Stanton area suggest that there is a need and desire for more equestrian-based recreation. This is an alternative that could be studied under the bill. The possibility of preserving and interpreting stage stops, way stations, and temporary camps along the historic trails provides a unique opportunity. Agencies could interpret the forts in the context of the transportation networks and larger economic systems into which they were fully integrated.

The enactment of S. 628 and completion of its mandated study will encourage increased cooperation among private land owners, State agencies, and Federal agencies. Our experience has convinced us that an interagency approach to resource management can lead to more cost effective means of managing the public lands. This approach should result in the sharing of personnel, expertise, materials, and financial resources. Coordinated interagency

management should produce complementary interpretive programs, joint signing, and increased public appreciation of our recreation and cultural resources management programs.

In summary, this proposed legislation can lead to greater opportunities for the public to see and experience the history of the expansion and settlement of the American frontier and we support it. The stories of black "Buffalo Soldiers", Apache and Comanche Indians, actual Civil War engagements in the West, and the mountain men and traders are all aspects of western history not fully understood by many. This legislation gives us the chance to look at various alternatives for preserving and interpreting the forts, to determine how to best tell the "rest of the story."

Enactment of S. 628 has no pay-as- you-go (PAYGO) impacts.

This concludes my statement. I would be pleased to respond to questions.

SUMMARY OF S. 628

Section 1. Cites bill as "Boots and Saddles Historic New Mexico Fort Study Act of 1991."

Section 2. Includes findings relating to value of preservation of forts, and statement of current deterioration.

Section 3. Requires the Secretary of the Interior to conduct a study of listed historic forts in the State of New Mexico, to be carried out by the BLM and NPS.

Lists 7 forts to be studied.

Requires a report to oversight committees within 1 year from the date funds are available for the study.

Provides that the study will develop alternative means of preserving and interpreting the forts, including the study of related historic properties, the feasibility of establishing guided tours to encompass common themes and link sites, and other information deemed appropriate.

Section 4. Authorizes appropriation of sums needed to carry out the Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 628, as ordered reported.

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